

ASSEMBLY BILL

No. 112

Introduced by Assembly Member Beall

January 13, 2009

An act to amend Sections 100001.5, 100161, 100163, and 100164 of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 112, as introduced, Beall. Santa Clara Valley Transportation Authority.

Existing law, the Santa Clara Valley Transportation Authority Act, authorizes the Santa Clara Valley Transportation Authority to acquire and construct transportation facilities necessary or convenient for vehicular and pedestrian transportation, as specified.

This bill would also authorize the authority to provide for the repair and maintenance of those facilities.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 100001.5 of the Public Utilities Code is
- 2 amended to read:
- 3 100001.5. The Legislature hereby finds and declares:
- 4 (a) Since the formation of the Santa Clara County Transit
- 5 District, unprecedented growth has occurred in the San Francisco
- 6 Bay area and in Santa Clara County in particular. It has become
- 7 apparent that additional measures are required in order to deal
- 8 more effectively with the resultant serious traffic congestion and

1 to foster the development of trade and the movement of people in
2 and around the Santa Clara Valley and throughout the entire bay
3 area.

4 (b) Transit and other modes of transportation are inextricably
5 intertwined, and improvement *and maintenance* of the road and
6 highway structure in conjunction and coordination with transit
7 improvements—is *are* essential to optimize the ability of the
8 authority to deal more effectively with serious traffic congestion.

9 (c) The Santa Clara Valley Transportation Authority, having
10 been designated as the Congestion Management Agency for Santa
11 Clara County, and already authorized to construct and improve
12 state and local highways pursuant to Section 100115.5, is uniquely
13 positioned to implement programs to achieve the goal of a balanced
14 approach to solving transportation problems.

15 (d) This goal is best achieved in Santa Clara County by vesting
16 in the authority the ability to plan, design, ~~and~~ construct, *maintain,*
17 *and repair* road and highway improvements, as well as bicycle,
18 pedestrian, and other transportation facilities, under the conditions
19 set forth in this part.

20 SEC. 2. Section 100161 of the Public Utilities Code is amended
21 to read:

22 100161. (a) The authority may acquire, construct, own, operate,
23 control, or use rights-of-way, rail lines, buslines, stations,
24 platforms, switches, yards, terminals, and any and all facilities
25 necessary or convenient for transit service within or partly without
26 the authority, underground, upon, or above the ground and under,
27 upon, or over public streets or other public ways or waterways,
28 together with all physical structures, including parking lots and
29 day care centers and related child care facilities, that are necessary
30 or convenient for the access of persons or vehicles thereto. The
31 authority may acquire any interest in or rights to use or the joint
32 use of any or all of those facilities.

33 (b) The authority may acquire ~~and~~, construct, *and provide for*
34 *the repair and maintenance of* any and all facilities necessary or
35 convenient for vehicular and pedestrian transportation, within or
36 partly without the boundaries of the authority, underground, upon,
37 or above the ground, together with all physical structures, including
38 parking lots and soundwalls, that are necessary or convenient
39 therefor. In this connection, the authority may exercise any power
40 with respect to highways granted to counties under Article 1

(commencing with Section 760) of Chapter 4 of Division 1 of the Streets and Highways Code in connection with any project included in the countywide transportation plan and an adopted regional transportation plan, but shall not usurp or impinge upon the powers and responsibilities granted to the county with regard to county highways. Highway and other transportation expenditures shall be consistent with adopted regional transportation plans and programs.

(c) Authority installations in freeways shall be subject to the approval of the Department of Transportation. Installations in other state highways shall be subject to Article 2 (commencing with Section 670) of Chapter 3 of Division 1 of the Streets and Highways Code. Installations in county highways and city streets shall be subject to similar encroachment permits.

(d) The authority shall not use any state transportation funds, including, but not limited to, money in the State Highway Account, or the Transportation Planning and Development Account, in the State Transportation Fund, and passenger rail and clean air bond act money to acquire, construct, or operate day care centers and related child care facilities.

SEC. 3. Section 100163 of the Public Utilities Code is amended to read:

100163. The board may contract with any public agency or person to provide transit *or transportation* facilities and services for the district.

SEC. 4. Section 100164 of the Public Utilities Code is amended to read:

100164. The authority may construct and operate or acquire and operate transit works and facilities and may construct ~~and~~, acquire, *and provide for the maintenance of* transportation facilities, in, under, upon, over, across, or along any state or public highway or any stream, bay or ~~water course~~ *watercourse*, or over any of the lands that are the property of the state, to the same extent that the rights and privileges appertaining thereto are granted to municipalities within the state.